

REMARKS

Claims 1-24 have been rejected under 35 USC 102(e) as anticipated by Holt. The rejection is respectfully traversed.

Holt is directed to a subscriber of a network based voice messaging service to remotely monitor callers as they record messages to the subscriber's voice messaging service. The subscriber may interrupt a caller recording a message in order to take the telephone call and speak with the caller. In the claimed invention, on the other hand, performance loss from signaling messages is avoided or reduced. This is accomplished by enabling an evaluation of the signaling messages without delay and by requesting require resources. Limited network availability is also addressed in the claimed invention. When a fault occurs in the network (or a controller fails in a media gateway), the gateway autonomously provides at least limited connection control for current subscriber connections. Moreover, the invention addresses accurately time charging. That is, the gateway allows contemporary recording of charging data. In particular, time stamping and switching of the data channel can be provided by the gateway itself, thereby avoiding and delays over an external transport network.

More specifically, the media gateway in Holt does not include a data channel controller, a terminator and connection controller as required by the claimed invention. For example, the gateway 112 (Fig. 2; paragraphs [0023] and [0039]) does not have a terminator that terminates a signaling message. Rather, the switch attempts to terminate (i.e., connect) the call to the subscriber's line 106a. Such termination is different from the claimed invention, since there is no termination of a signaling message with the gateway. Holt also states that the call may be forwarded from switch 102 to inbound media gateway 112 via communication link 10. Such link 10 includes voice and transport information about the call. The media gateway 112 provides a notification message to the call agent 204 including the transport information (e.g. "CdPN") about the call. Hence, the media gateway 112 does not terminate signaling messages, but rather forwards notification messages. Additionally, in paragraph [0039] and Fig. 4, there is no disclosure of how a signaling message terminates at the terminator of a media gateway. Rather, the switch terminates a call to the subscriber's line in a convention manner.

Holt also fails to disclose a media gateway including a connection controller performing a first part of a connection control function for a third communication connection and

authorizing a central network controller to carry out a second part of the connection control function, as required by the claimed invention. The Examiner cites paragraphs [0024] and [0025] and Fig. 4 as disclosing these features. Applicants respectfully disagree. Here, a call agent 204 in combination with the application server 206 and a packet telephony client 210 is disclosed. However, there is no disclosure of a media gateway connection controller.

Claims 12-19 and 21-24 have been rejected under 35 USC 102(e) as unpatentable over Hirayama. The rejection is respectfully traversed.

Hirayama addresses the problem that in VoIP applications, VoIP gateways permit call setup to a destination media gateway without utilizing authentication provided by a gate keeper. Hence, Hirayama is directed to a solution for Internet telephony according to which during call setup, a gate keeper has to be used. In this case, a gateway excludes any call setup not being rerouted through such gate keeper as being an unauthorized access, i.e. an illegal connection call attempt. The media gateway 4, according to Fig. 1, is different from the media gateway as claimed in the invention. For example, media gateway 4 does not include a data channel controller. The Examiner notes that the VoIP gateway 3 of Hirayama corresponds to the data channel controller as claimed. Applicants respectfully disagree. The VoIP gateway 3 is different from media gateway 4, and does not is not a channel controller of the media gateway.

Additionally, Hirayama fails to disclose a media gateway that includes a terminator that terminates singling messages. The Examiner posits that the gate keeper 5 provides a "call release" signal. However, gate keeper 5 is separate from media gateway 4, and does not have a terminator that terminates a singling message. Applicants also note that VoIP gateway 3, media gateway 4 and gate keeper 5 are all different components that are connected via Internet 1, thereby resulting in a significant delay as messages must travel back and forth among the components.

Claim 25 has been rejected under 35 USC 103(a) as unpatentable over Hirayama or Holt in view of Benedyk; and Claim 20 has been rejected under 35 USC 103(a) as unpatentable over Hirayama in view of Holt. The rejections are respectfully traversed for at least the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to

charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-98.

Respectfully submitted,

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